



BROMSGROVE DISTRICT COUNCIL

MEETING OF THE PLANNING COMMITTEE

MONDAY 30TH MARCH 2009,
AT 2.00 P.M.

COUNCIL CHAMBER, THE COUNCIL HOUSE, BURCOT LANE, BROMSGROVE

MEMBERS: Councillors E. C. Tibby (Chairman), R. J. Deeming (Vice-Chairman), Mrs. J. M. Boswell, Miss D. H. Campbell JP, G. N. Denaro, Mrs. J. Dyer M.B.E., D. Hancox, Mrs. J. D. Luck, E. J. Murray, S. R. Peters, C. R. Scurrall, P. J. Whittaker and C. J. K. Wilson

(NOTE: Updates to the Reports of the Head of Planning and Environment 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.)

AGENDA

1. To receive apologies for absence and notification of substitutes
2. Declarations of Interest
3. To confirm the accuracy of the minutes of the meeting of the Planning Committee held on 2nd March 2009 (Pages 1 - 8)
4. B/2008/0996-MT - Proposed change of use from financial and professional services (Class A2) to hot food takeaway (Class A5) - 194 New Road, Rubery, Birmingham - Glenroy Investments Limited (Pages 9 - 20)
5. B/2009/0015-SG - Demolition of existing double garage at rear of property and erection of new, re-sited double garage with study and bathroom over. Formation of new rear access alongside the new garage - 18 Farmers Road, Bromsgrove - Mr. N. Pullen (Pages 21 - 24)

6. B/2009/0073-CE - Take down existing perimeter fence and erect new 1.8 metre high vertical close boarded fence and gate - 1 Lindford Way, Walkers Heath, Birmingham - Mr. M. and Mrs. S. Loxley (Pages 25 - 28)
7. Updates to planning applications reported at the meeting (to be circulated prior to the start of the meeting)
8. Appeal Decisions (Pages 29 - 32)
9. 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

The Council House
Burcot Lane
BROMSGROVE
Worcestershire
B60 1AA

19th March 2009

BROMSGROVE DISTRICT COUNCIL

MEETING OF THE PLANNING COMMITTEE

MONDAY, 2ND MARCH 2009,
AT 2.00 P.M.

PRESENT: Councillors E. C. Tibby (Chairman), R. J. Deeming (Vice-Chairman) (for Minute Nos. 93/08 up to, and including, 102/08), Mrs. J. M. Boswell, Miss D. H. Campbell JP, G. N. Denaro, D. Hancox, Mrs. J. D. Luck, Ms. J. A. Marshall (substituting for E. J. Murray), S. R. Peters and C. J. K. Wilson

Observers: Councillors P. M. McDonald, D. L. Pardoe, Mrs. M. A. Sherrey JP and C. B. Taylor

Officers: Mrs. D. Warren, Mr. D. M. Birch, Mrs. H. L. Plant, Mr. A. Bucklitch, Mr. S. Hawley (Worcestershire County Council) and Mr. A. C. Stephens

93/08 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Mrs. J. Dyer M.B.E., E. J. Murray, C. R. Scurrall and P. J. Whittaker.

94/08 DECLARATIONS OF INTEREST

No declarations of interest were received.

95/08 MINUTES

The minutes of the meeting of the Planning Committee held on 5th January 2009 were submitted.

RESOLVED that the minutes be approved as a correct record.

96/08 B/2008/0333-DMB - SITE REMODELLING AND RE-PROFILING WORKS. ALTERATIONS TO RIVER ARROW AND ASSOCIATED CULVERTS - LONGBRIDGE EAST AND PART RIVER ARROW, GROVELEY LANE, COFTON HACKETT - ST. MODWENS DEVELOPMENTS (LONGBRIDGE) LIMITED

The Head of Planning and Environment Services reported additional comments received from the Environment Agency.

RESOLVED that permission be granted subject to the conditions and notes set out or referred to on pages 19 to 24 of the report.

97/08 **B/2008/0727-DK - RETENTION OF, ON PERMANENT BASIS, ONE RAILWAY CARRIAGE, ONE MOBILE HOME, FIVE TOURING CARAVANS AND ONE UTILITY DAYROOM BLOCK WITH ASSOCIATED CHANGE OF USE AND HARDSTANDING - SHELWOOD RANGE, SHELWOOD LANE, BENTLEY, BROMSGROVE - MR. A. BRIDGES**

The Head of Planning and Environment Services reported the receipt of additional information from the applicant and his agent in respect of the extent of development on the application site. He also reported the comments of the Head of Legal, Equalities and Democratic Services, the Strategic Housing Manager, Worcestershire County Council's Public Rights of Way Officer and the Ramblers' Association.

RESOLVED that permission be refused for the reasons referred to on pages 30 and 31 of the report.

98/08 **B/2008/0954-DK - CONSERVATORY / DINING ROOM AREA EXTENSION AND ADDITION OF TWO FIRST FLOOR DORMER WINDOWS - DODFORD CHILDREN'S FARM, WARBAGE LANE, DODFORD, BROMSGROVE - DODFORD CHILDREN'S FARM**

Consideration was given to this application which had been recommended for refusal by the Head of Planning and Environment Services.

On the matter being put to the vote, it was decided that permission be granted because Members considered the scheme would have a negligible impact on the openness of the Green Belt given the relationship of the proposals to the compound building and the community benefits of the activities carried out at the Dodford Children's Home. In the opinion of Members, these reasons represented very special circumstances to override the presumption against inappropriate development in the Green Belt.

RESOLVED that permission be granted subject to any reasonable conditions and notes considered necessary by the Head of Planning and Environment Services.

99/08 **B/2008/0991-CE - CONVERSION OF REDUNDANT FORMER CHURCH BUILDING FROM LIGHT INDUSTRIAL (USE CLASS B1) TO "LIVE-WORK" UNIT (SUI GENERIS) BY INSERTION OF INDEPENDENT MEZZANINE FLOOR TO ACCOMMODATE FIRST FLOOR LIVING ACCOMMODATION AND OTHER ALTERATIONS (LISTED BUILDING CONSENT) - HOLY TRINITY METHODIST CHURCH, GREENHILL, BLACKWELL, BROMSGROVE - MR. R. PADDOCK AND MR. J. SCANLON**

At the invitation of the Chairman, Mr. D. Bishton, the applicants' agent, addressed the Committee and spoke in favour of the application. Councillor C. B. Taylor also addressed the Committee and spoke in support of this application and the following application reference B/2008/0992.

RESOLVED that consideration of the application be deferred in order to allow the applicants' agent to identify an alternative scheme, in consultation with the

Head of Planning and Environment Services and the Council's Assistant Conservation Officer, to address the concerns raised in respect of the design of the mezzanine floor.

100/08 **B/2008/0992-CE - CONVERSION OF REDUNDANT FORMER CHURCH BUILDING FROM LIGHT INDUSTRIAL (USE CLASS B1) TO "LIVE-WORK" UNIT (SUI GENERIS), BY INSERTION OF INDEPENDENT MEZZANINE FLOOR TO ACCOMMODATE FIRST FLOOR LIVING ACCOMMODATION AND OTHER ALTERATIONS - HOLY TRINITY METHODIST CHURCH, GREENHILL, BLACKWELL, BROMSGROVE - MR. R. PADDOCK AND MR. J. SCANLON**

At the invitation of the Chairman, Mr. D. Bishton, the applicants' agent, addressed the Committee and spoke in favour of the application.

Consideration was given to this application which had been recommended for refusal by the Head of Planning and Environment Services. On the matter being put to the vote, Members considered that the development amounted to a sui generis use and did not, therefore, fall foul of the Council's position on housing oversupply within the District, and that the proposals assisted in the safeguarding of the Listed Building.

RESOLVED that authority to grant planning permission be delegated to the Head of Planning and Environment Services upon the approval of the application for listed building consent (application B/2008/0991 refers) following the submission of satisfactory amended plans which address the concerns raised by the Assistant Conservation Officer in respect of the design of the mezzanine floor, and subject to any reasonable conditions and notes considered necessary by the Head of Planning and Environment Services.

101/08 **B/2008/0996-MT - PROPOSED CHANGE OF USE FROM FINANCIAL AND PROFESSIONAL SERVICES (CLASS A2) TO HOT FOOD TAKEAWAY (CLASS A5) - 194 NEW ROAD, RUBERY - GLENROY INVESTMENTS LIMITED**

The Head of Planning and Environment Services reported the receipt of an appeal decision relating to 129 - 133 Golden Cross Lane, Catshill, Bromsgrove, allowing the change of use of the premises from retail (A1) to restaurant (A3) and associated takeaway (A5) (plan reference B/2008/0514 refers).

Consideration was given to this application which had been recommended for approval by the Head of Planning and Environment Services. On the matter being put to the vote, Members had regard to Section 17 of the Crime and Disorder Act 1998 and that the proposed use would exacerbate existing anti-social behaviour problems in the locality.

RESOLVED that permission be refused for the following reason:-

With regard to Section 17 of the Crime and Disorder Act 1998, the proposed use would exacerbate existing anti-social behaviour problems in the locality, contrary to policy DS13 of the Bromsgrove District Local Plan.

102/08 **B/2008/1029-MT - CHANGE OF USE OF GROUND FLOOR SHOP / STORE / OFFICE (A1) TO RESTAURANT (A3) - 112-114 NEW ROAD, RUBERY - MR. R. DAVIES**

At the invitation of the Chairman, Mr. D. Couch addressed the Committee and spoke in opposition to the application.

Consideration was given to this application which had been recommended for approval by the Head of Planning and Environment Services. On the matter being put to the vote, Members decided that the proposal would have a detrimental impact upon highway safety in that there would be insufficient parking provision. In addition, Members considered that the proposed use would have a detrimental effect on the amenities of the occupiers of adjoining residential dwellings by virtue of increased noise, odours and general disturbance.

RESOLVED that permission be refused for the following reasons:-

1. The proposed use would have a detrimental impact upon highway safety in that there would be insufficient parking provision provided to ensure that vehicles would not be displaced onto the public highway, contrary to policy TR8 of the Bromsgrove District Local Plan and policy T.1 of the Worcestershire County Structure Plan.
2. The proposed use would have a detrimental affect on the amenities of the occupiers of the adjoining residential dwellings by virtue of increased noise, smell and general disturbance, contrary to policy S19 of the Bromsgrove District Local Plan.

(NOTE: Under paragraph 17.7 of the Council's Procedure Rules, Councillor S. R. Peters requested that it be recorded that he had abstained from voting on this matter.)

103/08 **B/2008/1032-DK - RETROSPECTIVE APPLICATION FOR A CHANGE OF USE OF FORMER REDUNDANT AGRICULTURAL BUILDING TO LIGHT INDUSTRIAL USE AND INSERTION OF TWO NEW FIRE EXITS - STONEY LANE FARM, STONEY LANE, BROAD GREEN, TARDEBIGGE, BROMSGROVE - MR. RICHARD SMITH**

RESOLVED that permission be granted subject to the conditions and notes set out or referred to on page 90 of the report.

104/08 **B/2009/0004-MT - PROPOSED DORMER BUNGALOW IN REAR GARDEN FOR USE BY ELDERLY PARENTS CURRENTLY LIVING OPPOSITE - 17 BEACON HILL, RUBERY - MR. JONES**

The Head of Planning and Environment Services reported the receipt of comments from Councillor D. McGrath in support of the application.

At the invitation of the Chairman, Mrs. V. Henderson addressed the Committee and spoke in opposition to the application; Mrs. K. Jones, the applicant, spoke in favour.

RESOLVED that permission be refused for the reason referred to on page 95 of the report.

(NOTE: Under paragraph 17.7 of the Council's Procedure Rules, Councillor C. J. K. Wilson requested that it be recorded that he had abstained from voting on this matter.)

105/08 **B/2009/0005-RL - SINGLE STOREY SIDE EXTENSION WITH PROPOSED PLAYROOM WITHIN THE ROOF SPACE AND DORMER WINDOW TO FRONT - EIGHTLANDS, WESTERN ROAD, HAGLEY - MR. P. KIELY**

At the invitation of the Chairman, Mr. T. Nardella addressed the Committee and spoke in opposition to the application.

RESOLVED that permission be granted subject to the conditions set out on page 99 of the report.

106/08 **B/2009/0039-CE - CONVERSION OF EXISTING GARAGE AND PROPOSED EXTENSION TO CREATE GRANNY ANNEX AND PROPOSED DETACHED GARAGE - ORCHARD HOUSE, TRUEMANS HEATH LANE, TRUEMANS HEATH, HOLLYWOOD - MR. A. I. AND MRS. K. QUINLAN**

The Head of Planning and Environment Services reported the comments of Wythall Parish Council.

At the invitation of the Chairman, Mr. A. Quinlan, the applicant, addressed the Committee and spoke in favour of the application.

Consideration was given to this application which had been recommended for refusal by the Head of Planning and Environment Services. On the matter being put to the vote, Members decided that the proposals would have a limited impact on the openness of the Green Belt and the scheme would provide accommodation for elderly persons in line with the Council's Housing Needs Survey 2006. In the opinion of Members, this reason represented very special circumstances to override the presumption against inappropriate development in the Green Belt.

RESOLVED that permission be granted subject to any reasonable conditions and notes considered necessary by the Head of Planning and Environment Services.

107/08 **CERTIFICATES OF LAWFULNESS - PARTICIPATION OF PARISH COUNCILS**

Consideration was given to a report which outlined a change in the procedure to be adopted, with effect from 1st April 2009, in respect of the role of the

parish councils in the consultation process relating to Certificates of Lawfulness for Existing Use or Development.

RESOLVED that the report be noted.

108/08 **TREE PRESERVATION ORDER (NO. 1) 2008 - TREES ON LAND AT THE DELL, PETERBROOK ROAD, MAJORS GREEN**

Consideration was given to a report relating to a temporary Tree Preservation Order which had been made in respect of trees on land at The Dell, Peterbrook Road, Majors Green.

RESOLVED that the Bromsgrove District Council Tree Preservation Order (No. 1) 2008 be confirmed without modification.

109/08 **TREE PRESERVATION ORDER (NO. 7) 2008 - TREE ON LAND AT 27 MEADOWCROFT, HAGLEY**

Consideration was given to a report relating to a temporary Tree Preservation Order which had been made in respect of a tree on land at 27 Meadowcroft, Hagley.

RESOLVED that the Bromsgrove District Council Tree Preservation Order (No. 7) 2008 be confirmed without modification.

110/08 **APPEAL DECISIONS**

Consideration was given to a report which outlined the results of two planning appeals which had been determined since the last meeting of the Committee.

RESOLVED that the report be noted.

111/08 **APPLICATION TO FELL 22 POPLAR TREES ON THE WESTERN BOUNDARY OF THE OLD VICARAGE, VICARAGE CLOSE, FINSTALL, BROMSGROVE**

The Head of Planning and Environment Services reported the comments of local residents, together with the receipt of a petition and accompanying photographs of the site.

At the invitation of the Chairman, Ms. E. Barton addressed the Committee on behalf of residents of Dragoon Fields and spoke in respect of the application.

Consideration was given to the application to fell the 22 poplar trees in the light of the views of local residents and the condition of the trees.

RESOLVED that permission to fell the trees be granted subject to the following conditions:-

1. By the end of the first planting season following the felling of the existing trees, replacement tree and hedge planting shall be carried out

along the entire length of the western boundary of the application site to the approval, in writing, of the Local Planning Authority. This replacement planting shall consist of (i) restocking of the existing hedge through the planting of 40 - 60 cm high native shrub species at a density of no less than 6 x shrubs per metre, and (ii) the planting of Scots Pine trees of a minimum initial height of 3 metre at no less than 4 metres apart.

2. The remaining hedge and all the new tree and shrub planting carried out shall thereafter not be removed, lopped, topped or felled without the approval, in writing, of the Local Planning Authority. Any trees or shrubs dying, being removed or becoming diseased, damaged or dangerous shall be replaced with trees and shrubs of similar size and species to the approval, in writing, of the Local Planning Authority.

The meeting closed at 5.05 p.m.

Chairman

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Agenda Item 4

Name of Applicant Type of Certificate	Proposal	Map/Plan Policy	Plan Ref. Expiry Date
Glenroy Investments Limited 'A'	Proposed change of use from financial and professional services (Class A2) to hot food takeaway (Class A5) (as augmented by letter received 02.02.2009) - 194 New Road, Rubery	Shopping	B/2008/0996 12.01.2009

Members resolved to refuse this application at the meeting of the Committee held on 2nd March 2009 on anti-social behaviour grounds. Further information has now been received from the West Mercia Constabulary and the application has been brought back to committee for consideration.

RECOMMENDATION: that planning permission be **GRANTED**.

Consultations

WH	No objection 13.03.2008.
EHO	No objection, subject to the imposition of conditions relating to noise attenuation measures and opening times 11.12.2008.
WMC	No formal objection but concerns over proposals adding to anti-social behaviour problems in the area. Recommend restriction on opening times of 11.00 p.m. 09.12.2008. Additional comments received on 15.01.2009 - concerns raised over proposal leading to the further spread of anti-social behaviour along the street especially as it is likely to attract custom from the public house opposite. Additional information received 13.03.2009 - statistical analysis of violent crime, criminal damage and anti-social behaviour on New Road over the period 01.03.2008 to 28.02.2009.
Strategic Planning Publicity	Policy advice received in relation to the proposal's implications for the vitality and viability of New Road as a Shopping Area 14.01.2009. Site Notice Posted 01.12.2008; expired 22.12.2008. 5 letters sent 21.11.2008; expired 12.12.2008. 2 additional letters sent 04.12.2008; expired 25.12.2008. 2 letters received. Objections raised over proposal causing an increase in anti-social behaviour problems in the area, an increase in litter, a loss of residential amenity, an increase in traffic and an increase in disturbances 12.12.2008 and 27.01.2008.

The site and its surroundings

The application site is an existing retail unit located on the eastern end of New Road opposite the New Rose and Crown pub. The unit is located on a parade of shops and, as such, it has retail units located to either side of its frontage. To the rear of the site is a driveway providing rear access to the retail units on the parade and balcony access to the residential units located above.

The site is located within a Shopping Area as defined in the Bromsgrove District Local Plan 2004.

Proposal

It is proposed to change the use of the retail unit on the ground floor of the building from an Estate Agents to a Hot Food Takeaway. The existing use falls within the A2 category of the Town and Country Planning Use Classes Order 1987 (as amended) and the proposed use is an A5 use. No external alterations are proposed as part of this application.

Relevant Policies

WMSS UR3
WCSP SD.9, D.34, D.43
BDLP DS13, S21, RUB2, ES14A
Others PPS1, PPS6

Relevant Planning History

None relevant

Notes

For a full assessment of the issues arising from this application members are advised to review their Agenda of the meeting held on 02.03.2009. This report provides only an assessment of the additional information received from the WMC in relation to Anti-Social Behaviour (ASB).

Anti-Social Behaviour

Further information has been received from the crime risk manager at WMC on 13.03.2009. This provides an analysis of violent crime, criminal damage and ASB on New Road over the period 01.03.2008 to 28.02.2009 and is attached to this report at Appendix A.

In summary, and with specific reference to ASB in relation to hot food takeaways, the report indicates that *'There have been a total of 19 ASB reports stating a takeaway premise as their location in the last 12 months. This is 3 fewer incidents than the previous 12 months period, but 4 more reported than March 2006 to February 2007.'*

These results do not reveal any particular trend in the incidence of ASB in relation to hot food takeaways on New Road. This information does not therefore support Members' argument put forward at your meeting on 02.03.2009 that the proposed hot food takeaway at 194 New Road will increase ASB problems in the area.

In conclusion, the additional information provided in my opinion does not substantiate the Members' reason for refusal and the Council would not be able to clearly defend the application at appeal based on the recent evidence put forward by the WMC. On this basis I recommend that planning permission should be granted.

RECOMMENDATION: that planning permission be **GRANTED**.

1. C001
2. The use hereby permitted shall operate between the hours of 11:00 hrs. and 23:00 hrs. on Monday to Saturday and between 11:00 hrs. and 23:00 hrs. on Sundays and Bank Holidays.
3. The development hereby permitted shall not be commenced until a scheme for ventilation and for the control and extraction of fumes, gases, odours and other effuvia from the site has been submitted to and approved in writing by the local planning authority. All elements of the approved scheme including noise attenuation of the extraction system shall be installed, implemented and in full working order prior to the use commencing and shall thereafter be properly maintained. Such equipment must be used at all times when cooking activities are undertaken at the premises.
4. The extraction equipment installed shall be regularly maintained to ensure its continued satisfactory operation, and the cooking process shall cease to operate if at any time the extraction equipment ceases to function to the satisfaction of the local planning authority. A record of maintenance shall be kept at the premises and must be available for inspection by the local authority when requested.
5. In order to prevent a bypass of the ventilation system, external doors and windows to the kitchen / food preparation areas must remain closed during the time at which cooking activities are undertaken.
6. A scheme of noise insulation between the ground floor commercial premises and the first floor residential accommodation shall be submitted to an approved in writing by the Local Planning Authority and implemented prior to the occupation of the building.

Reasons

1. Required to be imposed pursuant to Section 51 of the Planning and Compulsory Purchase Act 2004.
2. In order to protect the living conditions of occupiers of adjoining and nearby residential properties in accordance with policy DS13 and S19 of the Bromsgrove District Local Plan January 2004.
- 3 - 5. In order to protect the amenities of the area in accordance with policies DS13 and S19 of the Bromsgrove District Local Plan January 2004.
6. In order to protect the living conditions of occupiers of adjoining and nearby residential properties in accordance with policy DS13 and S19 of the Bromsgrove District Local Plan January 2004.

Notes

1. Prior to the installation of any ventilation systems not integrated into a glazing unit, advice shall be sought from the Environmental Health Section to confirm that the ventilation system will not give rise to a nuisance from noise and vibration.
2. The food business must be registered with the Planning and Environment Services Department under the Registration of Food Premises Regulations 1991. Registration is free and cannot be refused.

3. The food business must comply with the requirements of the Food Safety Act 1990, the Health and Safety at Work Act 1974, Environmental Protection Act 1990 and Regulations made under these and any other relevant regulation.
4. Adequate arrangements must be made for the storage and disposal of waste. The company that removes waste must be registered as a Waste Carrier with the Local Authority. Written details of the type of waste, amount produced and details of the company removing waste must be kept for a period of two years.
5. Adequate space must be provided for the storage of waste to ensure that it is kept separate from preparation areas and will not give rise to odour or pest nuisance.

This decision has been taken having regard to the policies within the West Midlands Spatial Strategy, the Worcestershire County Structure Plan (WCSP) June 2001 and the Bromsgrove District Local Plan January 2004 (BDLP) and other material considerations as summarised below:

WMSS	UR3
WCSP	SD.9, D.34, D.43
BDLP	DS13, S21, RUB2, ES14A
Others	PPS1, PPS6

It is the Council's view that the proposed development complies with the provisions of the development plan and that, on balance, there are no justifiable reasons to refuse planning permission.

Problem Profile New Road Rubery: Violent Crime, Criminal Damage and ASB

All data is taken from the period 01 March 2008 - 28 February 2009.

Offences/Incidents have been identified as occurring on New Road where they were recorded within Police Beats DX74, DX75 and DX76, and where the full address contains "New Road" or "New Rd".

1. All Crime Overview

Between 01 March 2008 and 28 February 2009 there were a total of 114 criminal offences recorded on New Road, Rubery. As table one shows, this is significantly fewer than either of the previous 12 month periods, a 39% decrease compared to Mar '07 - Feb '08, and a 50% reduction compared to the same period in 2006/2007.

Time Period	No. Offences on New Road
01 Mar '06 - 28 Feb '07	228
01 Mar '07 - 29 Feb '08	192
01 Mar '08 - 28 Feb '09	114

TABLE 1: NUMBER OF CRIMINAL OFFENCES IN NEW ROAD, RUBERY - 01 MARCH '08 - 28 FEBRUARY '09

1.1 Type of Offence

Offence Type	2008/09	Percentage
Shoplifting	54	47.4%
Criminal Damage	13	11.4%
Violent Crime	13	11.4%
Theft Other	11	9.7%
Burglary (Non Dwelling)	8	7.0%
Other	4	3.5%
Vehicle Crime	3	2.6%
Drugs	2	1.8%
Theft from the Person	2	1.8%
Possession of Weapons	2	1.8%
Public Order	1	0.9%
Robbery	1	0.9%
Total	114	

TABLE 2: CRIMINAL OFFENCES BY OFFENCE TYPE IN NEW ROAD, RUBERY - 01 MARCH '08 - 28 FEBRUARY '09

Almost half of all crimes recorded on New Road in the last 12 months were shoplifting offences. Hotspot locations include Lloyds Pharmacy, the Co-op and the Costcutter.

Over the last 3 years, shoplifting has consistently been the highest volume crime in the area. However, the proportion shoplifting makes up of total crime along New Road has increased significantly compared to March '06 - February '07 when it made up just 26% of total crime. The actual number of offences committed has decreased in the most

recent 12 months compared to previous years however, suggesting that shoplifting is decreasing in frequency, though just not as quickly as total crime in the area is.

1.2 Temporal Aspect

The time when criminal offences occur along New Road is largely dependant on the type of crime taking place, for example shoplifting offences are most common between midday and 5 p.m. with peaks at 2 and 5 p.m. For meaningful analysis of the temporal distribution of offences, it is necessary to divide the crime types up.

In general though, most offences occur on a Thursday or Friday.

1.3 Location of Crimes

Lloyds pharmacy was the most repeated location for crimes to take place on New Road throughout the last 12 months, mainly due to the high number of shoplifting offences there.

Other repeat locations to note include:

- The Co-op: 13 offences, mainly shoplifting with one ASB offence
- The New Rose and Crown: 7 offences including one criminal damage to a vehicle located on the road outside the pub, an offence of TWOC where the car was taken from the car park, an assault occasioning ABH outside the pub, and 4 "Theft other" where phones, wallets or handbags were taken from customers whilst inside the premises.
- Cost cutter: 6 offences, all shoplifting.

1.4 Offences linked to Takeaways:

11 criminal offences were recorded linked to the takeaway premises along New Road in the last 12 months. This is a decrease compared to the previous 12 month period when 16 were recorded, and also compared to March 06 to February 07 when there were 12.

Offences in the most recent 12 months have included:

- 5 assaults, 3 of which were racially motivated.
- 3 burglary offences (all 3 at Mr Chips during October 2008)
- 3 criminal damage offences, including one threat to damage property.

2. Violent Crime Overview

For the following section, violent crime has been identified using the following offence types:

- Assaults (serious, with and without injury)
- Robbery

There have been a total of just 14 violent crimes on New Road during the last 12 months, that is 6 fewer than the previous 12 months, and 13 less than Mar '06 - Feb '07.

2.1 Type of Violent Crime

Most offences were assaults with 7 ABH, 4 common assault and 2 more serious assaults. In addition, there was one offence of robbery.

APPENDIX A

B/2008/0996-MT

The low number of recorded offences makes difficult to establish any patterns in the MO of offending, in fact there do not seem to be any links between offences. A few items of note:

- Some offences took place after issues between people in the queue at shops or fast food outlets, including arguments over who should get served first, the price of the food/offers available, barging into each other in the queue etc.
- There was an incident of road rage linked to a car being overtaken by a scooter.
- One offence resulted from a girl being accidentally shot by a BB gun in the park.
- The motivation for one offence was the offender stated the IP had “disrespected” his mother.
- 3 incidents took place where the staff at Tino’s Pizza were assaulted.

The robbery offence took place after the IP had been watched by offenders known to him withdrawing money which was then taken from him by force in the underpass.

2.2 Offences linked to Takeaways:

5 violent crime offences took place within or just outside Takeaway premises in the last 12 months:

- Tino’s Pizza - 3 offences, all racially aggravated and aimed at staff of the premises. One offence was motivated by a refusal to serve the customer due to a previous incident.
 - GBH: 12th December 23:15 hrs.
 - ABH: 12th December 23:15 hrs.
 - Common Assault: 19th March 2008 23:00 hrs.
- Dominoes Pizza - an scrap between customers when they one barged into another in the queue
 - 15th August 2008 19:40 hrs.
- Subway - after a disagreement at the point of sale over the price of food/offers available, the offender phoned the shop still upset, then came back to resolve the issue, resulting in an assault on the staff member
 - 26th June 2008 21:05 hrs.

There does seem to have been an increase in the number of violent crime offences specifically linked to takeaway premises in the last 12 months, with only 1 in the same period 2007/2008 and 3 in 2006/2007.

2.3 Offences in The New Rose & Crown

Only one violent crime offence took place near to The New Rose & Crown, a fight in the car park. During the same period in 2007/2008 there was also just one offence, this time in the beer garden of the premise where a customer was hit with a glass after having a drink thrown in his face. Between March 2006 and February 2007 there were 2 violent crime offences logged at the pub, though one involved robbery of a taxi driver by a passenger whilst in his cab on the road outside the pub. The other 2006/2007 offence was again in the beer garden and linked to a domestic argument.

2.4 Temporal Aspect

Offences by Month:

On average there were 2 offences per month over the course of the last 12 months, but 3 offences were recorded during April and August. Though it is hard to distinguish firm patterns from so few offences, it does seem that violent crimes are more common in the spring and summer months than through the autumn and winter.

Offences by Day:

Violent offences were slightly more likely to occur on a weekend than during the week. Though only 5 offences were flagged up as being linked to alcohol, most offences took place in the evening between 7 p.m. and 1 a.m. with the peak time between 11 p.m. and midnight.

3. Criminal Damage

There were a total of 13 criminal damage offences on New Road in the last 12 months, compared to 31 in the same period 2007/2008 (58% decrease) and 33 2006/2007, suggesting a decreasing trend. Though there has been a decreasing trend across the Bromsgrove District in this time period, the rate (at 17%) is much slower than the decrease seen in New Road.

3.1 Type of Criminal Damage

Offence Type	No. offences
Damage to a vehicle	4
Arson	3
Damage to a non-dwelling	3
Damage to other property	3
Total	13

TABLE 3: CRIMINAL DAMAGE BY TYPE, NEW ROAD, RUBERY - 01 MARCH '08 - 28 FEBRUARY '09

Most offences were damage to a vehicle, including one incident where life was endangered due to bricks being thrown from a bridge onto the road, hitting the windscreen of a passing car. In fact, all 4 damage to a vehicle offences were caused where offenders threw items at vehicles, including throwing stones at a bus, throwing eggs at cars, and throwing a brick through a windscreen.

3.2 Location of Criminal Damage Offences

- Most criminal damage offences in the last 12 months have taken place out on the street along New Road.
- 2 of the arson offences were fires in bins, a wheelie bin and a metal refuse bin, the third was a fire in a disused building.
- 3 offences related to graffiti being caused, mainly by young people in the form of: graffiti on the wall of a subway, scratched graffiti into the front window of Spex 4 U, and graffiti on a bench in St Chad's Park.
- A bus shelter was also damaged when the side panels were smashed.
- St Chad's Park was a repeat location for criminal damage incidents, however with just 2 offences occurring there in the last 12 months, there seems to be a

decreasing trend in the number of offences there - there were 8 during the same period in 2007/2008 and 3 in 2006/2007.

3.3 Offences Linked to Takeaways

There were 2 offences that took place in Takeaways:

- Chicago Pizza: 31st August 2008 01:45 hrs. - after being reused service as the shop was closing, a customer punched the computer screen.
- Tasty Chicken: 23rd October 2008 overnight - damage to the front windows caused by an unknown object.

In previous years, the number of offences of criminal damage linked to the takeaway premises along New Road appears to have been higher than in the last 12 months. The same is true of offences in or outside the New Rose and Crown with just one in the last 12 months, compared to 3 Mar '07 - Feb '08.

3.4 Temporal Aspect

Offences by Month:

Due to a low number of offences, there does not seem to be a discernable pattern in offending over the month of the year, however criminal damage offenders seem to have been most active in August and September. In previous years the peak months have been peak April and January.

Offences by Day:

Again, there is no real pattern to be found. In previous years, there seems to have been a more pronounced weekend increase, but low offences numbers mean that is not the case in the last 12 months.

Offences by Time:

Offences mainly occurred between 5 p.m. and 10 p.m. in a similar pattern to previous years, though last year there were significantly more incidents after midnight.

4. Anti-Social Behaviour

There were a total of 165 ASB incidents recorded on New Road between 01 March 2008 and 28 February 2009. This is an increase of 13% (n=19) compared to the previous 12 months, and 19% (n=26) compared to March '06 - Feb '07, suggesting the number of ASB incidents in the area is following an increasing trend.

4.1 Type of Incident

ASB Category	2008/09	Percentage
Rowdy/Nuisance Behaviour	121	73.3%
Vehicle-related Nuisance	30	18.2%
Malicious Communications	3	1.8%
Nuisance Neighbours	3	1.8%
Street Drinking	3	1.8%
Noise	2	1.2%
Abandoned Vehicle	1	0.6%
Harassment Incident	1	0.6%
Hoax Call to Emergency Services	1	0.6%
Total	165	

TABLE 4: ASB INCIDENTS BY RECORDING CATEGORY IN NEW ROAD, RUBERY - 01 MARCH '08 - 28 FEBRUARY '09

The vast majority of incidents on New Road are recorded as nuisance behaviour, almost three-quarters of the total reported ASB. Of these 39% (n=64) are linked to youths, or perceived to be linked to youths, and 36% (n=59) linked to alcohol. 49 incidents were linked to both young people and alcohol.

There seem to be quite a number of incidents relating to young people throwing stones, young people gathering in and around shops and takeaways and intimidating staff and customers.

14 incidents were reported to be individuals or groups fighting along New Road. This is double the number reported in the previous 12 month period. Most reports of fights were located at (or outside of) The New Rose and Crown, with the remainder scattered along New Road, mostly outside premises. The fight reports are well spread across the year, but there were 3 in August '08 and 4 in February 2009, so this could be a type of behaviour that is set to increase in the area.

The number of incidents on New Road reported to be linked to alcohol has increased dramatically in the last 12 months compared to previous years. There were 59 reports between March 2008 and February 2009, accounting for 36% of all reports, compared to a proportion of just 11% (n=16) in the previous 12 months, and 8% (n=11) between March '06 and February '07.

The number of youth related reports along New Road has remained at largely the same level over the last 3 years. However, the proportion that youth incidents makes up of total ASB was 10% lower in the most recent 12 months compared to previous years. This suggests that though total ASB in the area is on the increase, it is not due to youth related incidents.

	Mar06 - Feb 07	Mar07 - Feb08	Mar08 - Feb09
Youth Related Incidents	67	71	64
% of total incidents	48%	49%	39%
Youth and Alcohol Related incidents	7	12	49

TABLE 5: YOUTH AND ALCOHOL RELATED ASB INCIDENTS IN NEW ROAD, RUBERY - 01 MARCH '08 - 28 FEBRUARY '09, WITH COMPARISON TO THE PREVIOUS 2 YEARS.

However, as table 5 also shows, the number of youth and alcohol related incidents in the last 12 months has been substantially higher than in previous years, so the youth related incidents that do occur appear to be increasingly linked to alcohol.

4.2 Location of Incidents

The vast majority of incidents (n=38) appear to occur along New Road at various locations out in the street. Other repeat locations include:

- The New Rose and Crown (16 incidents) all incidents are logged as rowdy/nuisance behaviour. Incidents specifically include: 8 fights or potential fights, including large groups fighting, some in the car park; refusal to leave the premises, and aggression resulting from refused entry; an accusation of an assault by the bouncer on a customer. Incidents were well spread over the course of the 12 month period, with slightly more between October and January (through the winter months). The vast majority of incidents took place on a Saturday with a few also on Friday. Most incidents were logged between midnight and 2 a.m. with another slight increase around 8 p.m.
- Co-op (7) - All incidents were logged as rowdy behaviour and included 2 reports of young people asking adults outside to buy them alcohol, suspected young customers on drugs, youths gathering at the back of the store, a refusal of sale of cigarettes causing issues with a customer, and a fight within the store.
- Costcutters (6) - Most incidents were rowdy behaviour including a suspected underage sale, a shoplifter and a refusal to leave. There was also an incident of street drinking outside the shop, and a parking issue also outside the shop.

4.3 Incidents relating to Takeaways

There have been a total of 19 ASB reports stating a takeaway premise as their location in the last 12 months. This is 3 fewer incidents than the previous 12 months period, but 4 more reported than March '06 to February '07. Repeat locations include:

- Chicago Pizza (3) - Abusive customers, outside the shop urinating at the back of the shop, and repeatedly calling the shop and being racially abusive. There were no incidents at this location in the previous 12 months, but 3 the year before.
- Tino's Pizza (3) - Large group of youths playing football outside the shop hitting the shutters, and customers abusing staff and offering them outside the shop for a fight. In the previous 12 month period there were 6 reported incidents around Tinos Pizza, with 7 incidents the year before that, thus suggesting that incidents at this location are decreasing.
- [There is also an additional report where the location is just stated as Pizza Shop - 2 youths in the pizza shop threatening to kill a member of staff and breaking a window]

APPENDIX A

B/2008/0996-MT

- The Phoenix Chinese Takeaway (3) - Teenagers gathering outside the front of the shop, kicking a football or throwing stones at the window. 2 incidents were logged in both of the previous 12 month periods suggesting an increase (if only slight) in reports at this location this year.
- Dominos Pizza (2) - Youths gathering at the back of the shop and drinking.

5. Summary of Key Points

- There has been an overall reduction in the number of criminal offences recorded along New Road over the last 3 years, with number halving since March '06 - February '07.
- In the last 12 months there have been very few violent crime offences in the area making it difficult to establish any patterns in offending.
- Assaults motivated by racism targeted at staff in Takeaways, or resulting from disagreements whilst waiting for food occurred a number of times at premises along the road - specifically in the Pizza shops. Offences of this nature did seem to be slightly more frequent in the last 12 months than in previous years.
- The number of criminal damage offences along New Road has also decreased in total in the last 3 years, both overall and those linked to takeaways.
- Unlike crime, the number of ASB incidents in the area has increased during the last 3 years.
- Reports of groups or individuals fighting and alcohol related reports have increased along the length of the road with specific focus on the New Rose and Crown.
- Though youth related incidents have not really increased, those youth incidents that have occurred in the last year appear to be increasingly linked to alcohol.
- Groups gathering outside premises intimidating customers and sometimes causing damage has been a historic issue along New Road. Though still present the number of incidents of this type does seem to have decreased in the last 12 months.

Agenda Item 5

Name of Applicant Type of Certificate	Proposal	Map/Plan Policy	Plan Ref. Expiry Date
Mr. N. Pullen 'A'	Demolition of existing double garage at rear of property and erection of new, re-sited double garage with study and bathroom over. Formation of new rear access alongside the new garage - 18 Farmers Road, Bromsgrove	Res	B/2009/0015 02.04.2009

RECOMMENDATION: that permission be **GRANTED**.

Councillor Shannon has requested that this application be considered by the Committee, rather than being determined under delegated powers.

Consultations

WH	Consulted 10.02.2009 - views received: No objection.
Publicity	Site notice posted 24.02.2009; expired 17.03.2009: no response received. 2 letters sent 10.02.2009; expired 03.03.2009 1 objection - issues raised include: <ul style="list-style-type: none">▪ Loss of light to garden.▪ Overlooking.▪ Noise impact.▪ Adverse impact on character and street scene.▪ Over-development.▪ Privacy and security issues with new rear access proposed.

The site and its surroundings

The application site relates to the double garage of no. 18 Farmers Road which is set approximately 7 metres to the rear of the dwelling house towards the end of the back garden. The garage is located on the east side of Farmers Road adjacent to the single garage of no. 16 Farmers Road. A small brick built cycle store is positioned behind the garage in the garden of number 18. The front elevation of the garage sits flush with the adjacent garage. Vehicular access to the garage is gained via the up-and-over garage door at the front of the garage. At present, pedestrian access to the garage can be gained through the doorway on the north elevation via the garden gate adjoining the dwelling house. The site is located in a recognised residential area and the street scene comprises modern semi-detached dwellings with attached one-storey single garage.

Proposal

This application proposes the demolition of the existing double garage and cycle store with the erection of a new re-sited double garage with study and bathroom over, and the formation of a new rear pedestrian access to the rear garden of the application dwelling.

The new garage will measure 5.8 metres wide and 7 metres long and will be set off 1 metre from the garage of no. 16 Farmers Road. The side facing gabled roof will have

an eaves height of 3.1 metres and ridge height of 6.45 metres, representative of a 1.85 metre increase from the existing. The extension will contain a new staircase providing internal access to the first floor. The ground floor will remain in use as a garage and the first floor will provide a bathroom and study. The application also proposes the installation of two second floor windows and a second floor roof light and extraction outlet on the north elevation.

Relevant Policies

WMSS	QE3
WCSP	CTC.1
BDLP	DS13, S10
Others	PPS1, SPG1

Relevant Planning History

B17685	Erection of 84 semi-detached and terraced dwellings with ancillary works - granted 31.03.1969
B19189	Erection of double garage - granted 27.04.1990

Notes

I acknowledge that this application does not relate directly to the extension of a dwelling outside the Green Belt; however, I consider policy S10 of the Bromsgrove District Local Plan to be the most appropriate. The application will therefore be assessed in accordance with the principles of this policy.

The main issues in consideration of this application are whether the proposal complies with policy S10 and Supplementary Planning Guidance Note 1: Residential Design Guide and the effect the proposal will have on the amenity of the neighbouring properties and the street scene.

Street scene issues

Policy S10 of the BDLP requires development to be of matching design, in materials and detailing. Paragraph 9.17 states that extensions should not have a detrimental affect on the street scene or locality.

I acknowledge that the application is unusual and will be distinctive in the street scene, however I do not consider that the proposal will detract from the appearance and amenities of the street scene. The primary use of the building will remain as a garage therefore presenting an up-and-over door on the front elevation and it will remain in line with the adjacent garage. In this context, I do not consider that the proposal would have a detrimental affect on the locality. The proposal has been designed with a pitched roof and matching materials to reflect those of the surrounding properties.

Residential amenity issues

Policy S10 states that extensions should not adversely affect the existing amenities of adjoining occupiers.

I consider that the windows in the garage have been strategically placed to avoid the issue of overlooking. A velux roof window has been proposed on the north elevation and a first floor window proposed on the east elevation giving views to the rear garden of number 2 Shepherds Walk. As a means to avoid overlooking, the velux roof window would be positioned above the foot of the staircase at 3.2 metres above ground floor level and the first floor window would be obscure-glazed by condition. No windows have been proposed on the south elevation facing the rear garden of number 16 and therefore privacy at the adjacent dwelling will remain unaffected.

The proposal complies with the 45 degree code as specified under SPG1 with regard to the adjoining property at number 16 Farmers Walk. I have considered whether the height of the garage will adversely affect the existing amenities of adjoining occupiers, however I am satisfied that the proposal will not be to their disadvantage.

Conclusion

I am of the opinion that the proposal would not have a detrimental affect on the street scene or adversely affect the existing amenities of adjoining occupiers. On this basis, whilst I appreciate that this is an unusual proposal I consider there to be no justifiable reasons to refuse planning consent.

RECOMMENDATION: that permission be **GRANTED**

1. C001
2. C002
3. The garage hereby approved shall be used for purposes ancillary to the domestic use of the property and shall not be used for any other purpose without the prior written consent of the Local Planning Authority.
4. The first floor landing window shall be obscure glazed and have a top hung casement opening only, and shall remain so in perpetuity unless otherwise agreed in writing by the Local Planning Authority.

Notes

This decision has been taken having regard to the policies within the West Midlands Spatial Strategy, the Worcestershire County Structure Plan (WCSP) June 2001 and the Bromsgrove District Local Plan January 2004 (BDLP) and other material considerations as summarised below:

WMSS QE3
WCSP CTC.1
BDLP DS13, S10
Others PPS1, SPG1

B/2009/0015-SG - Demolition of existing double garage at rear of property and erection of new, re-sited double garage with study and bathroom over. Formation of new rear access alongside the new garage - 18 Farmers Road, Bromsgrove - Mr. N. Pullen

It is the Council's view that the proposed development complies with the provisions of the development plan and that, on balance, there are no justifiable reasons to refuse planning permission.

Agenda Item 6

Name of Applicant Type of Certificate	Proposal	Map/Plan Policy	Plan Ref. Expiry Date
Mr. M. and Mrs. S. Loxley 'A'	Take down existing perimeter fence and erect new 1.8 metre high vertical close boarded fence and gate - 1 Lindford Way, Walkers Heath, Birmingham	RES	B/2009/0073 07.04.2009

Councillor Mrs. J. Dyer M.B.E. has requested that this application be considered by the Committee, rather than being determined under delegated powers.

RECOMMENDATION: that permission be **REFUSED**.

Consultations

WH	Consulted 12.02.2009: no response received to date (expired 26.02.2009).
Wythall PC WMC	Consulted - views received 12.03.2009: Objection. Views received 24.02.2009. <ul style="list-style-type: none">It is requested that consideration be given to the Local Authority's responsibilities under Section 17 of the Crime and Disorder Act 1998.Since 2003 there have been 7 burglaries / attempted burglaries and 1 case criminal damage recorded against this site. If the proposed fence and gate is not permitted, the Crime Risk Manager feels certain that the applicant will be a victim of another crime.The address is a hotspot for crime due to the layout and poor design of the estate. There are numerous pathways through the estate. The side and rear of this property is not overlooked which is an issue as the site is adjacent to a highway.
Publicity	2 letters sent 12.02.2009 (expired 05.03.2009). 1 letter of objection received raising concern that the existing fence and trees to the application site cause a line of sight problem for road users. The height of the proposed fencing would make this situation worse due to the proximity of the site to a bend in the road and the speed at which traffic travels around it.

The site and its surroundings

This application relates to modern detached dwelling located at the junction of Chelworth Road and Lindford Way. The property faces onto Lindford Way so that its rear garden runs parallel to Chelworth Road. Adjacent to the road junction, the property has an attached garage and a small detached shed. To the front of the shed and to the Chelworth Road boundary is a close boarded fence on a low stone effect wall, approximately 1.2 metres in height (approved under application B/2003/1401). To the internal side of the fence is a row of fir trees (approximately 1.5 to 2 metres in height). The application site is located in a recognised residential area.

Proposal

This application proposes the removal of the existing boundary fence (approved under application B/2003/1401) and the erection of a new vertical close boarded (VCB) fence on a stone effect wall. The new fence would run from the side of the garage, in front of the fir trees, until it meets the side boundary. From here, the fence would run parallel to the side boundary, behind the row of fir trees. The total height of the fence and wall would be 2 metres. A single pedestrian gate would be positioned next to the rear boundary.

This application is a resubmission of application B/2008/0823 which proposed a similar fence positioned in front of the row of fir trees. The application was refused for the following reason:

"The fence, by virtue of its design, position and height would create an obtrusive development which would fail to preserve the character and appearance of the street scene contrary to policy DS13 of the Bromsgrove District Local Plan."

Relevant Policies

WMSS QE3
WCSP SD.1, SD.2, CTC.1
BDLP DS13
Others PPS1, SPG1

Relevant Planning History

B/2008/0863 Take down existing perimeter fence and erect new 1.8 metre VCB fence and gate - refused 04.11.2008.
B/2004/1142 New VCB fence with concrete gravel boards and concrete posts to part boundary together with timber shed - approved 25.11.2004.
B/2003/1401 Two storey side extension - resubmission of B/2002/1070 - approved 19.12.2003.
B/2002/1070 Side domestic extension; i.e. garage and first floor extension (resubmission of B/2002/0695) - approved 30.10.2002.
B/2002/0695 Side domestic extension - refused 07.08.2002.
B16450 Garage to be built on the side of house. Bedroom to be built over existing garage and kitchen extension - approved 20.06.1988.

Notes

Given that the property is located within a residential area, the main issues in the consideration of this application relate to the visual impact of the structure on the street scene, the amenities of the adjacent occupiers and highway safety.

Policy DS13 of the Bromsgrove District Plan (Sustainable Development) requires development to reflect the need to safeguard and improve the quality of life of residents by protecting the essential character and environmental assets of the area including the

general attractiveness of the landscape, the setting, form and character of settlements and land of recreation and amenity value.

Chelworth Road is the main road which runs through the modern housing estate in which the application site is located. As in Lindford Way, the majority of properties that face directly onto Chelworth Road have open front gardens. Properties that share a side boundary with Chelworth Road tend to have a hedge, 2 metres plus in height, with a landscaping belt or grassed area between the hedge and pavement. This provides the estate with a predominantly open-plan and pleasant character. The most significant exception to this character is an approximately 1.8 metre high close boarded fence which runs along the southern side of Chelworth Road between the entrances to Swansbrook Gardens and Foxhope Close.

The application site is located in a particularly prominent position within the street scene due to its position adjacent to a road junction and on the outside of a bend in Chelworth Road. Although the largest section of the proposed fence would be located behind the row of fir trees, most it would still be clearly visible above the trees. In places the trees become quite thin and are of minimal screening value. It is noted that the site of the proposed fence is approximately 0.1 metres above that of the existing fence. I am of the view that the proposal, by reason of its proximity to the highway, would form a stark contrast to the open frontages and landscaping belts along the north side of Chelworth Road. This would be particularly apparent when arriving at the site from the east. The section of fence to the front of the shed would be particularly prominent as it would be positioned forward of the fir trees. I acknowledge that from some vantage points, the proposal would be seen in the context of the fence to the other side of the road. This fence presents the street scene with a featureless bland expanse of boundary treatment which is of no benefit to the general character and appearance of the locality and therefore does not provide any justification for the proposal.

I am aware that a similar proposal for the erection of a 2.8 metre high fence at 10 Foxhope Close adjacent to the highway edge was dismissed at appeal under application B/2006/1269. Like the application site, 10 Foxhope Close occupies a prominent corner plot. In considering the character of the locality, the Inspector noted "*The layout of Foxhope Close and surrounding residential streets is open plan and, (in the Inspectors view) the maturing plots of landscaped amenity ground, which are a feature of the locality, make an important contribution to the character and appearance of the area.*" The Inspector considered that, as a result of its height, imperforate design and siting, the proposed fence would cause a significant material harm to the character and appearance of the area. Whilst I acknowledge that the fence proposed at 1 Lindford Way is 0.8 metres lower in height than that considered at 10 Foxhope Close, I consider the views of the Inspector relevant to this application.

The applicants' agent has explained that the applicants have experienced problems with persons entering their garden, trying to make a forced entry into the house and causing criminal damage. In respect of this, I have noted the comments received from West Mercia Constabulary (WMC). Section 17 of the Crime and Disorder Act 1998, referred to by WMC, states:

"Without prejudice to any other obligation imposed on it, it shall be the duty of each authority (including local authorities) to exercise its various functions with due regard to

the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area."

I sympathise with the applicants' wish to secure their property and I acknowledge that the rear garden to the application site is relatively open to the road. It is understood that prior to the erection of the existing fence, a landscaping belt existed between the rear garden and the pavement. I am of the view that a wall / fence positioned further back from the highway edge, together with suitable landscaping could provide a secure rear garden without significant harm being caused to the amenities of the street scene. (This has been suggested to the applicant's agent in a letter dated 15.12.2008 to application B/2008/0823.) I am therefore of the view that the issues raised by the applicants' agent and WMC do not provide sufficient grounds to approve the application. As there is an alternative, more appropriate scheme that would overcome the applicant's security issues, I do not consider that the refusal of this application would be contrary to the Council's duties under the Crime and Disorder Act 1998.

The proposed fence is located away from the windows to neighbouring dwellings and therefore will not affect the residential amenities of adjoining occupiers.

A local resident has raised concern that the proposal would be detrimental to highway safety. The views of Worcestershire Highways are awaited and will be reported to Members at the meeting of the Committee.

In conclusion, I am of the view that the position of the fence proposed under this application does not overcome the reason for refusal to application B/2008/0823. The proposed fence would detrimentally harm the amenities of the street scene contrary to policy DS13 of the Bromsgrove District Local Plan. I do not consider that the level of harm can be overcome through the use of conditions.

RECOMMENDATION: that permission be **REFUSED**.

The fence, by virtue of its design, position and height would create an obtrusive development which would fail to preserve the character and appearance of the street scene contrary to policy DS13 of the Bromsgrove District Local Plan.

BROMSGROVE DISTRICT COUNCIL

PLANNING COMMITTEE

30TH MARCH 2009

APPEAL DECISIONS

Responsible Portfolio Holder	Councillor Mrs. J. Dyer M.B.E.
Responsible Heads of Service	Head of Planning and Environment Services Head of Legal and Democratic Services

1. SUMMARY

- 1.1 To note the planning appeal decisions which have been received since the last meeting of the Committee.

2. RECOMMENDATION

- 2.1 Members are requested to note the report.

3. BACKGROUND

	Name of Appellant	Plan Ref. / Proposal	Decision / Date
3.1	Mr. M. Slowe	B/2008/0514 - Proposed change of use from retail to restaurant (A3) and associated takeaway (A3) use - 129-133 Golden Cross Lane, Catshill, Bromsgrove, B61 0LA	Appeal allowed (18th February 2009)
3.2	Mr. P. Armstrong	B/2008/0670 - Proposed first floor extension over a previously approved garage extension (B/2007/1192) - 133 Station Road, Wythall, B47 6AG	Appeal dismissed (18th February 2009)
3.3	Mr. and Mrs. J. Douglas	B/2008/0592 - Proposed alterations to existing house to include demolition of garage; new roof incorporating solar panels and green planting; external insulation; new triple glazed windows; and increase in chimney height - Oaksford, The Fordrough, Truemans Heath Lane, Shirley, Solihull, B90 1PP	Appeal dismissed (25th February 2009)

	Name of Appellant	Plan Ref. / Proposal	Decision / Date
3.4	Mrs. C. Blunt	B/2008/0647 - Proposed extension to dwelling - Glebe Barn, Stoke Pound Lane, Stoke Prior, Bromsgrove, B60 4LE	Allowed (9th March 2009)

4. **FINANCIAL IMPLICATIONS**

4.1 There are no financial implications directly related to this report.

5. **LEGAL IMPLICATIONS**

5.1 There are no legal implications directly related to this report.

6. **COUNCIL OBJECTIVES**

6.1 This report does not directly relate to the Council's Corporate Objectives.

7. **RISK MANAGEMENT**

7.1 There are no identifiable risk implications directly related to this report.

8. **CUSTOMER IMPLICATIONS**

8.1 There are no customer implications directly relating to this report.

9. **EQUALITIES AND DIVERSITY IMPLICATIONS**

9.1 There are no equality and / or diversity implications directly relating to this report.

10. **OTHER IMPLICATIONS**

10.1	Procurement Issues	None
	Personnel Implications	None
	Governance / Performance Management	None
	Community Safety (including Section 17 of the Crime and Disorder Act 1998)	None
	Policy	None
	Environmental	None

11. **OTHERS CONSULTED ON THE REPORT**

Portfolio Holder	No
Chief Executive	No
Corporate Director (Services)	No
Assistant Chief Executive	No
Head of Service	No
Head of Financial Services	No
Head of Legal, Equalities & Democratic Services	No
Head of Organisational Development & HR	No
Corporate Procurement Team	No

12. **APPENDICES**

12.1 None.

13. **BACKGROUND PAPERS**

13.1 Appeal decision letters received from the Planning Inspectorate, dated 18th and 25th February 2009, and 9th March 2009.

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